

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Christopher Trent Glover,)	
)	C/A No. 2:11-2772-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Adam Sizemore and Christopher Burton,)	
)	
Defendants.)	
_____)	

At the time of the underlying events, Plaintiff Christopher Trent Glover was detained at the Anderson County Detention Center (ACDC). Defendants Adam Sizemore and Christopher Burton are employed as detention officers at ACDC. Plaintiff, proceeding pro se, filed the within complaint on October 13, 2011, alleging that Defendants violated his constitutional rights in various respects. Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce Howe Hendricks for pretrial handling. On February 16, 2012, Defendants filed a motion for summary judgment. On February 17, 2012, in accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the summary judgment procedures and the possible consequences of failing to respond adequately. Plaintiff filed no response to the motion for summary judgment. On March 27, 2012, the Magistrate Judge issued an order granting Plaintiff until April 16, 2012 to file his response to Defendant's motion. Plaintiff specifically was advised that if he failed to respond, this action would be subject to dismissal. See Fed. R. Civ. P. 41(b). Plaintiff filed no response to the Magistrate Judge's March 27, 2012 order.

On April 20, 2012, the Magistrate Judge issued a Report and Recommendation in which she recommended that the within complaint be dismissed pursuant to Rule 41(b) for failure to prosecute.

Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. This court is obligated to conduct a de novo review of every portion of the Magistrate Judge's report to which objections have been filed. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The within action is dismissed *with prejudice* pursuant to Rule 41(b) for failure to prosecute.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina
May 17, 2012

NOTICE OF RIGHT TO APPEAL

**Plaintiff is hereby notified of the right to appeal this order
pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**